

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.19629 of 2018 and
W.M.P.Nos.23069 to 23071 of 2018

1 N.Ulaganathan
2 K.Kannagi
3 V.A.Mohan
4 M.Murugan
5 T. Arulmurugan ... Petitioners

v.

1 The State of Tamil Nadu
Rep. by the Secretary
Highways Department
Fort St. George, Chennai
2 The District Collector
Villupuram District, Villupuram
3 The Assistant Divisional
Engineer Highways Department
Tindivanam
4 Commissioner
Tindivanam Municipality
Tindivanam .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 19.07.2018 passed by the 3rd respondent in his proceedings in Na.Ka.No. 129/ 2018/ A1 and quash the same and consequently direct the 4th respondent herein to identify new place as vending zone with more commercial viability for completing allotment process.

For Petitioners : Mr.D.Ravichander
For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for R1 to R3
Mr.P.Srinivas
Standing Counsel - for R4

O R D E R
(Order of the Court made by M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioners to issue a Writ of Certiorari Mandamus to call for the records of the impugned order dated 19.07.2018. passed by the 3rd respondent, to quash the same and consequently direct the 4th respondent to identify new place as Vending Zone with more commercial viability for completing allotment process.

2. The learned counsel appearing for the petitioners submitted that the only grievance of the petitioners is that the 3rd respondent has passed the impugned order for removing the encroachment without providing the alternative accommodation to the petitioners.

4. The learned counsel appearing for the 4th respondent submitted that for all the encroachers, numbering 663, alternate place has been allotted and communications were also sent to them. The learned counsel further submitted that in spite of allotment of alternate place, the beneficiaries are refusing to vacate the existing encroached places.

5. Since the respondents have already allotted alternative places to the petitioners to do their business, the petitioners cannot retain the existing places.

6. In these circumstances, we are of the considered view that the impugned order passed by the 3rd respondent is proper. We do not find any reason to interfere with the same. The Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

1 The Secretary
Highways Department
Fort St. George, Chennai

- 2 The District Collector
Villupuram District, Villupuram
- 3 The Assistant Divisional
Engineer Highways Department
Tindivanam
- 4 Commissioner
Tindivanam Municipality
Tindivanam

+1cc to Mr. D.Ravichandar, Advocate, S.R.No. 85668
+1cc to Mr. P.Srinivas, Advocate, S.R.No.85996
+1cc to the Government Pleader, S.R.No. 85646

W.P. No.19629 of 2018 and
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VGI (CO)
GN(02/01/2019)



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